

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GREAT WEST CASUALTY COMPANY,

ORDER

Plaintiff,

v.

WIWD Case No. 23-mc-08-slc

KIRSCH TRANSPORTATION SERVICES, INC.

Defendant.

On May 19, 2023, Great West filed a motion to compel discovery pursuant to a Rule 45 subpoena that it served on Artisan & Trucker's Casualty Company in this district. Artisan did not respond in any fashion, so ordinarily this court would grant the motion. But there are some disconnects here:

Great West states that its subpoena to Artisan arises out of *DeGondea v. Wal-Mart*, Case No. 3:16-cv-2960 in the Northern District of Ohio, and that service on Artisan was made on September 14, 2022. *See* *dk. 2* at 2. But the subpoena attached to Great West's motion was issued by the U.S. District Court for the Southern District of Iowa in *Great West v. Kirsch Transportation*, Case No. 18-cv-12 (*dk. 2*, *Exh. A*), seeking all of Artisan's claim files in the *DeGondea* case in Ohio (*dk. 2*, *Exh. B*), with service accomplished on December 9, 2022 (*dk. 2*, *Exh. C*). First, Rule 45(a)(2) requires that a subpoena must issue from the court where the action is pending; second, given the difference in the service dates, this court is left to wonder whether Great West actually has submitted the subpoena it wants this court to enforce.

Great West must explain more clearly what is actually happening here before this court picks up its motion a second time.

Entered this 13th day of June, 2023.

BY THE COURT:

/s/

Stephen L. Crocker
Magistrate Judge